

Exhibit L

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0164-16

3

4 INTERVIEW OF: [REDACTED]

5 DATE OF INTERVIEW: 04/18/2016

6

7

8 [TRANSCRIBER'S NOTE: POOR AUDIO QUALITY -- SPEECH, AT
9 TIMES, IS UNCLEAR BECAUSE OF BUZZING THROUGHOUT INTERVIEW.]

10

11 INV. WECHTER: Today's date is April 18th, 2016. It is
12 1:58 p.m. This is OCC Investigator Wechter, conducting a
13 telephone interview in connection with OCC Case number 164-16.
14 I'm speaking by telephone with [REDACTED]. [REDACTED],
15 are you aware this is being recorded?

16

[REDACTED]: Yes, I am.

17

18 INV. WECHTER: Okay. And we spoke briefly on Friday,
19 April 15th, and you emailed me a link to Dropbox with three
20 video files in it. Is that correct?

21

[REDACTED]: That's correct.

22

INV. WECHTER: Okay.

23

[REDACTED]: Yeah.

24

INV. WECHTER: And you live at [REDACTED], in
which unit?

[REDACTED]

[REDACTED]

27

INV. WECHTER: Okay. And so, is that the unit that
28 you're in?

1 [REDACTED] Yes.

2 INV. WECHTER: So, as I explained when we spoke briefly
3 on Friday, I wasn't at work that day, but I called you from
4 home.

5 [REDACTED] Uh-huh, sure.

6 INV. WECHTER: I'm investigating the incident that
7 happened on April 7th, 2016, on Shotwell Street, involving
8 police officers and Mr. Gongora, who was shot. So, I'd just like
9 to, if you could start at the very beginning and tell me
10 everything you remember that you saw and heard that day?

11 [REDACTED]: Sure. My wife and I were in our kitchen. I
12 was on my laptop sitting in a chair, right next to the window,
13 when I heard what would appear to be three cars driving or
14 vehicles driving up. I didn't know how many until I looked,
15 rapidly and stopping quickly. So, I stood up from my chair,
16 looked out the window, and saw three San Francisco police cars
17 stopped directly in front of our window; across the street, but
18 directly in front of our window.

19 I saw two officers exit their vehicle immediately. The
20 driver of the first vehicle, upon exiting the vehicle, had what
21 appeared to be a pump shotgun with an orange plastic nozzle, or
22 on the barrel had an orange piece of plastic, and I believe it
23 had some plastic, some orange plastic somewhere else on it, and
24 he immediately began walking towards Luis, and he raised his
25 shotgun at that point, and began shouting commands to Luis to
26 get on the ground. The officer on the passenger side of the
27 vehicle was approaching Luis, they were moving in tandem, but
28 they were separated by probably 15 or 20 feet.

1 As they approached Luis, the officer that had the beanbag
2 shotgun, began firing at Luis, and I believe he fired three to
3 four rounds. And Luis was seated against the wall of the
4 building, the [REDACTED] building across the street. When the officer,
5 first officer started firing the beanbag shotgun, Luis remained
6 in a seated position, but turned to face away from the officers
7 so that the beanbag rounds would hit him in the back, versus
8 some other part of his body. When the officer that was shooting
9 with the beanbag gun stopped shooting, Luis jumped to his feet
10 pretty quickly, and sort of extended his arms a little bit and
11 shouted something that was inaudible, but he seemed to be sort
12 of gesturing, "Why? Why are you shooting me," or "What's going
13 on?" He seemed to be pretty confused.

14 It was at that point that one or both of the officers began
15 shouting to him, shouted to Luis, "Drop it. To put that down." A
16 couple of similar phrases, and then the officer, the second
17 officer that had exited on the passenger side of the vehicle,
18 pulled his firearm and began shooting Luis, and Luis fell
19 forward after being shot. And I believe the first officer was
20 still holding his shotgun, but also pulled his firearm, and may
21 have shot, but I'm not certain about that.

22 Immediately after the shooting, the officers appeared to be
23 on their radios calling for an ambulance, and an ambulance
24 showed up within a few minutes, and Luis was basically
25 motionless on the sidewalk the entire time after the shooting.

26 INV. WECHTER: Okay. So, I just want to go back over
27 this. So, you were sitting in a chair next to the window?

28 [REDACTED] I was, yes.

1 INV. WECHTER: And if I'm looking at a photograph of
2 your building, which window is yours? There's a door marked;
3 you're at [REDACTED]?

4 [REDACTED]: Right. So, that's the front door, the main
5 door to our building, and my kitchen window, if you're facing
6 the building and looking at that door, is immediately above that
7 door, but to the left. [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

10 INV. WECHTER: So, it's to the...

11 [REDACTED]: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 INV. WECHTER: So, on [inaudible]? So, I see the doorway
15 for [REDACTED] that's marked [REDACTED].

16 [REDACTED]: Right. And we're [REDACTED], so we're to the right
17 of all of that. So, there should be, if you're looking at [REDACTED]
18 there should be kind of a tree, a small tree to the right of
19 that. And then there's a large garage door, that garage door is
20 ours, and all of the windows above and to the left of the garage
21 door are ours. [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

27 [REDACTED]: [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED]: [REDACTED] [REDACTED]
3 INV. WECHTER: Okay. I've got it now. So, I guess that's
4 from estimating that...when you're looking at that window, does
5 that window start above the floor?
6 [REDACTED]: It does, yes.
7 INV. WECHTER: So, how far above the floor does it
8 start?
9 [REDACTED]: Probably 26-28 inches, something like that;
10 about table height.
11 INV. WECHTER: So, you say you heard the sound of cars
12 stopping?
13 [REDACTED]: I did, yeah. Our window was open, that
14 center window of that group of three windows was open, and I
15 heard the sound of cars pulling up pretty quickly and stopping
16 pretty quickly, and that caused me to stand up and look out my
17 window.
18 INV. WECHTER: And how long had you been seated there?
19 [REDACTED]: I had probably been there about a half hour.
20 INV. WECHTER: Did you hear anything in the half hour
21 before that?
22 [REDACTED]: Not anything that'd be out of the ordinary,
23 no.
24 INV. WECHTER: At any point during that half hour, or
25 much earlier that morning, had you looked out the window and
26 seen anyone across the street?
27 [REDACTED]: No. And we're not in that kitchen that
28 frequently. Our unit has two levels to it, and the kitchen is in

1 the upper level, but we're usually in the lower level. But I
2 have a camera set-up, that's what it's from the camera that I
3 sent you. It's set-up and I have that on one of my monitors
4 downstairs, and so I can see outside pretty regularly if I hear
5 something or want to look outside or whatever. I can look at
6 that monitor, but I don't recall seeing anything out of the
7 ordinary earlier that morning.

8 INV. WECHTER: So, you said that three police cars
9 stopped directly in front of your window?

10 [REDACTED]: Uh-huh.

11 INV. WECHTER: And then you mentioned two officers that
12 got out of the same vehicle. Is that a regular patrol car?

13 [REDACTED]: It was, yes. And there was a third officer
14 that got out of a second vehicle that was behind them, and also
15 began approaching Luis, but he was further back, and never drew
16 his weapon, and never was directly involved in confronting Luis.

17 INV. WECHTER: You said the driver was number one, he
18 had the pump shotgun with the orange nozzle on the barrel and
19 somewhere else.

20 [REDACTED]: Right.

21 INV. WECHTER: And he was walking towards him. At that
22 point, could you see where Luis was?

23 [REDACTED]: I could, yes.

24 INV. WECHTER: Where was he?

25 [REDACTED]: He was sitting against the building, the
26 [REDACTED] building with his back to the wall. He was seated with his
27 knees up and his hands resting on the tops of his knees, and he
28 was right next to the garage door of the [REDACTED] building.

1 INV. WECHTER: Okay. And that's the garage door that, I
2 guess, it would be 10 to 15 feet to the right, south of the
3 school sign? The [unintelligible] sign?

4 [REDACTED]: Uh-huh, yes.

5 INV. WECHTER: Okay. [Inaudible.]

6 [REDACTED]: Uh-huh.

7 INV. WECHTER: And I see that there's, looks like sort
8 of a window just above ground level, it's long and rectangular,
9 and then there are cement columns on either side of that.

10 [REDACTED]: On the [REDACTED] building?

11 INV. WECHTER: Yeah.

12 [REDACTED]: Yes.

13 INV. WECHTER: So, where was he in relation to that? Do
14 you know?

15 [REDACTED]: Well, he was probably...so there are
16 pilasters, there are flat columns that segment the building
17 horizontally. He was, as I recall, directly next to or in front
18 of the last pilaster, which would be right next to the garage
19 door.

20 INV. WECHTER: Okay. I can see that. Yeah, and that set-
21 up has kind of a brown paint?

22 [REDACTED]: Yep.

23 INV. WECHTER: Maybe extending up about two to three
24 feet?

25 [REDACTED]: Uh-huh.

26 INV. WECHTER: Okay. So, he was sitting there, with his
27 knees up, hands resting on the top of his knees.

28 [REDACTED]: Right.

1 INV. WECHTER: At that point, what first drew your
2 attention to Luis? At what point did you first look at him?

3 [REDACTED] Well, I think when the officers started
4 moving forward of him, it was obvious. There was no one else in
5 the area, it was obvious that they were going to confront him.
6 And again, so within six to seven steps from the vehicle, the
7 driver, the officer who was the driver of the vehicle, was
8 [unintelligible], and had his shotgun raised.

9 INV. WECHTER: You said he was [unintelligible]? What do
10 you believe? I couldn't catch it.

11 [REDACTED] He was shouting commands.

12 INV. WECHTER: Uh-huh.

13 [REDACTED] And so then, I was looking at him, and I
14 noticed who he was shouting commands at, and that was Luis. And
15 I believe I saw something in Luis' left hand which appeared to
16 be black and about the size of a paperback or a large remote
17 control. And it did not look like a knife to me, but it didn't,
18 he could have had the blade down, and I was just seeing the
19 handle. Subsequently, I've seen these reports, and there was a
20 black handle, either a black handled large knife, and it
21 certainly could have been that that was in his hand. But to me,
22 at the time, I didn't register it as a knife.

23 INV. WECHTER: And so the officer who got out of the
24 passenger side had the shotgun with the orange...

25 [REDACTED] No. The officer that got out of the
26 passenger side had no weapon until he drew his firearm. It was
27 the driver's side, yeah.

28 INV. WECHTER: Okay. And so officer number one, the one

1 | who got out [and booked] presented the shotgun?

2 | [REDACTED]: Right.

3 | INV. WECHTER: Where was, what happened when he

4 | [unintelligible]?

5 | [REDACTED] Sure. He had stepped up onto the curb.

6 | There's a tree and a telephone pole that would have prevented

7 | him from sort of moving directly at Luis. So, he went up onto

8 | the curb after exiting his vehicle, and began moving down the

9 | sidewalk towards Luis; shotgun raised.

10 | INV. WECHTER: I'm sorry?

11 | [REDACTED] The shotgun was raised the entire time.

12 | INV. WECHTER: When you say raised, what do you mean?

13 | [REDACTED] Raised in a firing position. Raised up to

14 | his cheek and aiming at Luis.

15 | INV. WECHTER: Now, have you had any experience with

16 | firearms?

17 | [REDACTED] Very limited.

18 | INV. WECHTER: Okay. So, when you say firing position,

19 | do you know from personal experience how someone would hold a

20 | shotgun if they're firing?

21 | [REDACTED] I do.

22 | INV. WECHTER: You do?

23 | [REDACTED] Yeah.

24 | INV. WECHTER: Have you fired a shotgun?

25 | [REDACTED] I have, yes.

26 | INV. WECHTER: When you say up to his cheek, where was

27 | the stock of the shotgun?

28 | [REDACTED] The stock was up against his shoulder.

1 INV. WECHTER: And he was taking aim at Luis?

2 [REDACTED] He was, uh-huh.

3 INV. WECHTER: And do you have a sense of where he was

4 when he first aimed it at Luis?

5 [REDACTED] Really quickly, after exiting the vehicle.

6 So, I'll say as soon as he cleared the obstacle, which was the

7 tree, the weapon was, the shotgun was raised up and he was

8 aiming it at Luis.

9 INV. WECHTER: And when you say the tree, was that the

10 last tree on the row?

11 [REDACTED] Yes.

12 INV. WECHTER: The tree, just to the left of the

13 telephone pole?

14 [REDACTED] Yes.

15 INV. WECHTER: Okay. And do you remember, you say he

16 shouted commands, "Get on the ground." Do you remember [most of]

17 what he said or what order he said things?

18 [REDACTED] He said the same thing three or four times,

19 which was, "Get on the ground." So, it was, "Get on the ground.

20 Get on the ground. Get on the ground."

21 INV. WECHTER: Uh-huh. At any point, did you hear that

22 officer with the shotgun say anything else?

23 [REDACTED] No.

24 INV. WECHTER: Okay. And so, he's on the sidewalk. Where

25 does he walk after he [unintelligible]?

26 [REDACTED] He walks directly towards Luis, so parallel

27 to the building there.

28 INV. WECHTER: And was he closer to the building line,

1 closer to the curb?

2 [REDACTED] Closer to the building.

3 INV. WECHTER: Can you estimate how far?

4 [REDACTED] Two feet.

5 INV. WECHTER: And where does he walk to before he

6 stopped?

7 [REDACTED] He stopped 10-15 feet in front of Luis.

8 INV. WECHTER: So, would you say in front of

9 [inaudible].

10 [REDACTED] Yeah, down the wall, down the [REDACTED] building,

11 on the sidewalk, parallel to the building.

12 INV. WECHTER: So, when you say in front of it, north of

13 Luis on the sidewalk?

14 [REDACTED] He was north of Luis on the sidewalk, yes.

15 INV. WECHTER: And was he still close to the building

16 line? Or did he move closer to the curb?

17 [REDACTED] He was still close to the building.

18 INV. WECHTER: And I know there's that driveway there.

19 Were there cars parked right next to that driveway, between the

20 driveway and the tree, or the driveway and the telephone pole?

21 [REDACTED] Yes.

22 INV. WECHTER: Okay.

23 [REDACTED] There was a white pickup truck I recall

24 seeing.

25 INV. WECHTER: So, he got to about 10 or 15 feet from

26 Luis.

27 [REDACTED]: Uh-huh.

28 INV. WECHTER: And the officer on the passenger side of

1 the vehicle, which would have on [unintelligible] side, facing
2 you?

3 [REDACTED]: That's correct.

4 INV. WECHTER: And where was he in relation to the first
5 officer, when the first officer was walking towards you?

6 [REDACTED] Well, so my recollection is that there were
7 not two officers in that first car. That the officer from the
8 second car walked up to join the first officer. I think I
9 misspoke about that. Officer number two came from, I believe,
10 the police vehicle that was immediately behind the first.

11 INV. WECHTER: Okay.

12 [REDACTED]: Sorry about that.

13 INV. WECHTER: Okay.

14 [REDACTED] Just to clarify.

15 INV. WECHTER: So, the officer number two, where was he
16 in relation to the first officer, the officer that shot him?

17 [REDACTED]: He was to the right of that first officer,
18 officer number one.

19 INV. WECHTER: Uh-huh.

20 [REDACTED] So, Officer number one got out, Officer
21 number two followed-up closely after that, but was to the right,
22 maybe 10 of 15 feet from the first officer, if that makes sense?
23 That's clear?

24 INV. WECHTER: Okay. So, he was 10 to 15 feet from the
25 first officer?

26 [REDACTED] Right, and kind of back a little bit and to
27 the right.

28 INV. WECHTER: So, did you hear that officer say

1 anything?

2 [REDACTED]: I did. After the first officer had shouted
3 the commands and then began shooting Luis, Luis jumped up. I
4 believe the second officer began shouting, "Drop it. Put that
5 down," something along those lines. And then, immediately after
6 that, the second officer began shooting Luis.

7 INV. WECHTER: So, the second officer first spoke, was
8 it after Luis jumped up, did he speak?

9 [REDACTED] Yes, it was.

10 INV. WECHTER: And what was it that you heard that
11 officer say?

12 [REDACTED] Something to the effect of, "Put it down.
13 Put that down. Drop it." Something to that effect.

14 INV. WECHTER: So, let me make sure I've got this
15 correctly. The first officer started firing with the beanbag
16 shotgun.

17 [REDACTED] Right.

18 INV. WECHTER: Luis turned to face away. So, which way
19 did he turn?

20 [REDACTED]: To his left, so facing south down Shotwell.

21 INV. WECHTER: And can you describe how he turned?

22 [REDACTED]: He just rotated his upper body, and kind of
23 bent his back a little, so that his head was exposed. So, he
24 kind of turned and bent down just a little bit, while seated.

25 INV. WECHTER: And could you see where his hands were?

26 [REDACTED] I could. He faced, he kind of turned into
27 himself as small as possible.

28 INV. WECHTER: I'm sorry. It's a little hard to hear

1 | what you said.

2 | (Buzzing and phone call begins to break-up.)

3 | [Inaudible.]

4 | INV. WECHTER: You're breaking up a little. Are you
5 | there? Hello? I can't, it's 2:23 p.m. I've been disconnected.

6 | [Redacted]?

7 | [Buzzing continues. Phone call ends at 25:50.]

8 | (Redials number.)

9 | (Phone rings.)

10 | [Redacted]: Hello?

11 | INV. WECHTER: Hi, [Redacted]

12 | [Redacted]: Yep, sorry, we were disconnected, lost our
13 | call. Yeah, I couldn't hear the last couple of things you said,
14 | because we were disconnected.

15 | INV. WECHTER: Okay. I was asking you about Luis.

16 | [Redacted]: Luis and his hand and yeah. So he basically,
17 | so his hand, his whole upper body turned and sort of bent down
18 | from a seated position when he was being shot with the bean bag.

19 | INV. WECHTER: Okay. And did you see where his hands
20 | were?

21 | [Redacted]: Yeah. They were in front of his body; he was
22 | protecting them as well.

23 | INV. WECHTER: And the thing, the object that you'd seen
24 | in his left hand, the black object, could you see that?

25 | [Redacted]: Yes.

26 | INV. WECHTER: Where was that?

27 | [Redacted]: I couldn't see that, because his body would
28 | have been blocking that, the view of his arms or his hands from

1 me. So, as he was turning his body away from the bean bag shots,
2 that would have been from my view too.

3 INV. WECHTER: Okay. So, he bent his body to the left,
4 or south. Right?

5 [REDACTED]: Yeah.

6 INV. WECHTER: So, it's 19th Street.

7 [REDACTED]: Uh-huh.

8 INV. WECHTER: The officer with the beanbag shotgun
9 stops shooting, and you said Luis jumped to his feet pretty
10 quickly.

11 [REDACTED]: Right.

12 INV. WECHTER: And extended his arms a little bit?

13 [REDACTED]: Right.

14 INV. WECHTER: Can you describe how he extended his
15 arms?

16 [REDACTED]: My recollection of it was it was kind of a
17 gesture, you know, where his arms aren't fully extended, but
18 they're out to the sides.

19 INV. WECHTER: I'm sorry, with what to the side?

20 [REDACTED]: With his arms out to the side, you know,
21 sort of not up and not down, they're just almost parallel to his
22 body, and kind of gesturing as if asking what was going on. Luis
23 seemed confused about what was happening, and his body language
24 seemed to be that of someone that was wondering what was
25 happening to them, and sort of questioning it. It was at that
26 point that Luis also shouted something, but it was inaudible, I
27 couldn't tell what it was. Luis didn't speak English, so you
28 know, it's anybody's guess really. But it is easy, you can hear

1 it on the video though. You can hear Luis' voice in the video.

2 INV. WECHTER: Okay. So, he's got his hands, his arms
3 aren't fully extended, out to the side.

4 [REDACTED]: Right.

5 INV. WECHTER: And where is he in relation to where [he
6 was seated]?

7 [REDACTED]: Immediately, and within a foot or two of
8 where he was seated; mainly within three feet of where he was
9 seated.

10 INV. WECHTER: And the one to three feet, is it to the
11 north or south, or towards the east, towards the curb line?

12 [REDACTED]: It's east towards the curb line.

13 INV. WECHTER: Okay.

14 [REDACTED]: I'm sorry, it's west towards the curb line.

15 INV. WECHTER: I'm sorry, yes, towards the curb.

16 [REDACTED]: Right.

17 INV. WECHTER: So, he's moved one to three feet from the
18 building line?

19 [REDACTED]: Right. And I'm not 100 percent sure about
20 the position. I mean, just everything was happening so quickly
21 at that point, it's hard to be really precise, but that was my
22 recollection. And he stood up quickly, shouted something,
23 gestured with his arms in some way, as sort of like, "What's
24 going on? What's happening?" And that was when he got shot.

25 INV. WECHTER: Now, at that point, where were the two
26 officers?

27 [REDACTED]: The officer from the first vehicle was
28 against the wall--out slightly from the wall, not too far from

1 the tree. So, he was south of the tree. The second officer that
2 had come out from the other vehicle, had sort of joined him, but
3 was still maybe within six or eight feet to his right, and they
4 were both facing Luis.

5 INV. WECHTER: So, when you said six to eight feet to
6 his right, do you mean six to eight feet closer to the curb?

7 [REDACTED] Yes, that's correct.

8 INV. WECHTER: And in terms of their position, in
9 relation to the tree or to the telephone pole, were they both
10 kind of in that same position?

11 [REDACTED] Yes, relatively speaking. I mean they're
12 between the telephone pole and the tree.

13 INV. WECHTER: And they're not between half the
14 telephone pole, closer to the school crossing sign?

15 [REDACTED] No.

16 INV. WECHTER: And did they move at any point?

17 [REDACTED] Well, when the shooting started, yes. I mean
18 they either just sorted moved back and to their left. Once
19 Officer number two began discharging his firearm, they both
20 began moving back and to the left.

21 INV. WECHTER: So, Luis is standing. He's from one to
22 three feet away from where he was seated.

23 [REDACTED] Right.

24 INV. WECHTER: One to three feet away from the wall, and
25 what movements does he make?

26 [REDACTED]: None, other than the gesturing I spoke of
27 earlier.

28 INV. WECHTER: Does he move anywhere in relation to

1 where he was standing, towards the curb, towards the wall,
2 towards the telephone pole?

3 [REDACTED] No, not until he begins to be, not until
4 he's getting shot, at which case, he begins to sort of move back
5 and forth, and sort of fall forward.

6 INV. WECHTER: You said he moved back and forth and fell
7 forward?

8 [REDACTED] That's my recollection, yes.

9 INV. WECHTER: So, was he still fairly close to that
10 last [unintelligible] to the garage door?

11 [REDACTED] Yes.

12 INV. WECHTER: And where did he fall?

13 [REDACTED] He fell forward and ended up next to the
14 phone pole. So, he was east of the telephone pole, just slightly
15 east, and south of the telephone pole just slightly.

16 INV. WECHTER: Could you estimate how far from the
17 telephone pole he was?

18 [REDACTED] Within less than two feet probably.

19 INV. WECHTER: And when he fell, what position was he
20 in?

21 [REDACTED] I believe he had fallen forward and was on
22 his stomach. I do recall him being flipped over when the
23 ambulance came, and that sort of thing, but I believe he fell
24 face down.

25 INV. WECHTER: And which direction was he [facing]?

26 [REDACTED] North.

27 INV. WECHTER: North?

28 [REDACTED] Uh-huh, yes.

1 INV. WECHTER: Towards 18th Street?
2 [REDACTED]: That's correct.
3 INV. WECHTER: Was it due north or was it at an angle?
4 [REDACTED] It was at a slight angle. More northwest
5 than northeast, but not much.
6 INV. WECHTER: And at that point when he fell, did you
7 see that object or any object in or near his hands?
8 [REDACTED] I did, yeah. I saw what appeared to be
9 something black. My view of the object was not great, because I
10 think the telephone pole was in the way, or I believe it had
11 fallen to his right. For some reason, I couldn't see the whole
12 object.
13 INV. WECHTER: So towards his right, would that be
14 towards the wall?
15 [REDACTED] It would be, yeah. And I'm not sure,
16 thinking back about what was in that scene around him. There
17 seemed to be, what I saw on the right side of him was what was
18 in his hand. It just was a black object. I couldn't discern what
19 it was.
20 INV. WECHTER: Did you see anything else happen to it?
21 [REDACTED] No...
22 INV. WECHTER: I'm sorry, go ahead.
23 [REDACTED]: No. I mean it might have been a shoe, it
24 might have...I just couldn't tell what it was. I think if-
25 conjecture, but I think it's, I think the truck might have
26 blocked the view of whatever, you know. If there was a knife in
27 his left hand, he might have been blocked by the truck at that
28 point. I don't know.

1 INV. WECHTER: So, did he remain in that position, that
2 location?
3 [REDACTED]: He did.
4 INV. WECHTER: And you say the ambulance crew flipped
5 him over?
6 [REDACTED]: I believe the ambulance crew flipped him
7 over. Immediately, after the shooting, I turned and then just
8 couldn't look anymore; so, I had turned away. When I came back
9 to look at the scene, 30 seconds, a minute later, something to
10 that effect, I believe he was still in the same position. I
11 don't know how long the ambulance took to get there, but I do
12 recall seeing them flip him over and performing CPR and that
13 sort of thing.
14 INV. WECHTER: And did you see any blood on the
15 sidewalk?
16 [REDACTED]: Yes.
17 INV. WECHTER: Where was it?
18 [REDACTED]: Immediately, out in front of him. So, it
19 appeared to be, the blood, a lot of blood was out in front of
20 his body, meaning forward of his head.
21 INV. WECHTER: Forward of his head?
22 [REDACTED]: Yeah. I mean it appeared to be kind of
23 moving downhill. Maybe the sidewalk's a little angled or
24 something.
25 INV. WECHTER: Where was it in relation to where he
26 fell, could you tell?
27 [REDACTED]: It looked like it had started underneath him
28 and worked its way forward towards the street, to the curb.

1 INV. WECHTER: The curb. Okay. Did it move, did it wind
2 up going north or south of where he'd been?

3 [REDACTED]: North, uh-huh.

4 INV. WECHTER: Okay. How far?

5 [REDACTED] A couple of feet, it looked like. I mean,
6 there was a lot of blood there, and it all seemed to be north of
7 where he was laying. So, he seemed to be bleeding probably,
8 underneath and the blood was moving probably down, and that down
9 would have been north and towards the curb.

10 INV. WECHTER: Now, what's the distance between where he
11 was sitting against that plaster, and where he wound up falling?

12 [REDACTED] I would say eight to ten feet.

13 INV. WECHTER: So, do you have a sense of how he covered
14 that distance? How he wound up [unintelligible]?

15 [REDACTED] Well, I don't, other than once he was
16 getting shot, he seemed to be sort of moving around and falling,
17 and he appeared to me to be, while he was getting shot, falling
18 forward. I mean I think that's how maybe some people are saying
19 that he lunged at the police, but that was not my sense about
20 it. He didn't seem to be attacking or lunging or running towards
21 the police at any point.

22 INV. WECHTER: When you say that was not your sense of
23 it, what did you see about any movement he made in the direction
24 of the officers?

25 [REDACTED] Yeah. I didn't see any movement towards the
26 direction of the officers. So, and certainly, I could be wrong
27 about that, but my recollection was that he stood up, gestured,
28 "What the heck?" Then the officers began shooting. Once they

1 started shooting, he kind of flailed around and sort of fell
2 forward, and I didn't see him making any overtly or even
3 covertly aggressive moves towards the police. It just didn't
4 appear to me to happen in that way.

5 INV. WECHTER: Now, I know you mentioned the truck
6 possibly blocking part of your view and the telephone pole
7 partially blocking you.

8 [REDACTED] Right.

9 INV. WECHTER: And obviously, I won't be able to see
10 until I come out there, what your view was.

11 [REDACTED] Right.

12 INV. WECHTER: Is it possible that any object blocked
13 your view of any movements that the police made?

14 [REDACTED] No, because I was, and you will be able to
15 tell. I had a really, really good vantage point. I mean I was up
16 high enough and I could see everything that was going on, but as
17 soon as everything got ground level as soon as Luis was on the
18 ground, then the truck became a factor for me. So, the answer is
19 yes and no. My view is only really obscured when Luis was on the
20 ground, and only somewhat partially then. Everything else
21 happened within a really clear view.

22 INV. WECHTER: So, you mentioned that you left the
23 window for 30-60 seconds, came back, and you saw paramedics flip
24 him over and perform CPR.

25 [REDACTED] Yeah. I probably didn't see the paramedics
26 that quickly. I think the paramedics took longer to get there,
27 but when I came back to the window, I saw Luis on the sidewalk,
28 and he was bleeding. And then there was some period of time

1 between then and when the paramedics showed up.

2 INV. WECHTER: And were you watching continuously, from
3 when you returned to the window after those 30-60 seconds, and
4 when the paramedics arrived?

5 [REDACTED] Yes, more or less. My recollection of it was
6 that I came back and saw it. My wife said, "Don't look. It's
7 terrible." And I looked and then I kind of turned away, and then
8 I would look back, and so, I was looking more or less constantly
9 from the point at which he was shot and lying on the sidewalk
10 until the paramedics arrived, and a little after that, of
11 course. But there were times that I just looked away after that
12 because it was so terrible.

13 INV. WECHTER: Did you ever see that object be seen in
14 his hands again?

15 [REDACTED]: No. As I mentioned, I did see something
16 black to the right of his body when he was laying, but I can't
17 say for sure what that was. It didn't really look like a knife
18 to me, just from memory, but it did look black. It looked kind
19 of like a shoe, sort of like a little [unintelligible] shoe or
20 something, but I didn't really look at it that closely, and I
21 don't remember that much about it. I just remember stuff being
22 around him when he was laying there.

23 INV. WECHTER: And did any of the officers, did you see
24 them turn him over, do any first-aid or?

25 [REDACTED] No, I didn't. I don't remember that.

26 INV. WECHTER: Can you estimate the closest he got to
27 any of the officers before they fired?

28 [REDACTED] It's difficult, but it would have to be at

1 least 10 feet, maybe 12 or 15 feet. I mean they were a pretty
2 good distance away, but they were closing on him and sort of
3 decreasing that distance, as they were shouting demands and
4 trying to bean bag him. So, it changed over that 20 seconds or
5 30 seconds, whatever it was.

6 INV. WECHTER: And you say you heard him say something,
7 but you couldn't tell what it was, but it sounded [inaudible]?

8 [REDACTED]: Right.

9 INV. WECHTER: Did you ever hear anyone at the scene
10 speak Spanish other than Luis?

11 [REDACTED]: No, no.

12 INV. WECHTER: And when you...

13 [REDACTED]: And I'm...

14 INV. WECHTER: Yeah, go ahead.

15 [REDACTED]: I was just going to say, I'm not even 100
16 percent sure that Luis speaks Spanish fluently because he's
17 Mayan, and apparently, Mayans have their own particular dialect.
18 One of my neighbors, is from Argentina, and we've spoken to Luis
19 before, and she's talked to him in Spanish, but it didn't seem
20 to be a very fluid conversation. So, but I never heard anyone
21 speak to Luis in Spanish other than my neighbor. And I had
22 spoken to Luis a half a dozen times or more, it was, he never
23 seemed to understand me, and we just kind of gestured to
24 communicate and that sort of thing.

25 INV. WECHTER: Can you describe the officers' voices,
26 the ones you heard? Can you explain to me the tone and volume of
27 the voice?

28 [REDACTED]: Well, Officer number one was shouting in a

1 very commanding voice. Officer number two in a similarly
2 commanding voice.

3 INV. WECHTER: Now, let me ask you. Luis was seated just
4 to the left of the garage door, one of the garage doors.

5 [REDACTED]: [If you're] facing the garage door, yes.

6 INV. WECHTER: Yeah. There are two garage doors there.

7 [REDACTED]: Right.

8 INV. WECHTER: And then to the left.

9 [REDACTED]: That's correct.

10 INV. WECHTER: Did you see anyone to his right?

11 [REDACTED]: No.

12 INV. WECHTER: Towards, between him and 19th Street?

13 [REDACTED] No. There was a third officer that came up
14 after the first two officers began engaging Luis, but he really
15 kept his distance. He was out in the middle of the street, and
16 pretty far north of the scene, and never drew his weapon, and
17 never seemed to be directly involved in the confrontation, I
18 believe.

19 INV. WECHTER: Now, could you tell whether there was
20 anyone on the west sidewalk, either in front of your building or
21 to the south, between your building and 19th Street?

22 [REDACTED] Yeah. There was a girl, you can actually see
23 her in the video, I think, that's in front of our place that's
24 moving northbound on our side of the street, who turns and looks
25 at what's happening. And as soon as the shooting starts, she
26 crouches down and runs, continues, starts running north on
27 Shotwell, and I don't know who she is.

28 INV. WECHTER: Now, going back to Officer number one,

1 the one with the shotgun.

2 [REDACTED]: Uh-huh?

3 INV. WECHTER: You said you saw him approaching Luis
4 with the shotgun held at his shoulder, he had it raised.

5 [REDACTED] Right.

6 INV. WECHTER: At any point, did you see him lower the
7 shotgun?

8 [REDACTED]: Only after Officer number two began shooting
9 Luis, and I believe that Officer number one pulled out his
10 firearm as well at that point. And so switched hands, held the
11 shotgun in his left hand, pulled out his pistol with his right.

12 INV. WECHTER: So, did you see Officer number two pull
13 his handgun before Officer number one pulled his handgun?

14 [REDACTED] Yes. Yes.

15 INV. WECHTER: Could you tell which officer started
16 firing their handgun first?

17 [REDACTED] Yes. Officer number two.

18 INV. WECHTER: And as the officers were firing their
19 handguns, did you see either of them move?

20 [REDACTED] Yes. Yes, they began to move backwards and
21 to the left towards the wall.

22 INV. WECHTER: Could you tell how much they moved?

23 [REDACTED]: Four to five feet maybe? Officer number two,
24 four to five feet. Officer number one, two to three feet, and it
25 wasn't a straight line. They seemed to be moving, adapting to
26 Luis to fall, is what I [believe].

27 INV. WECHTER: So, Officer number two moved four to five
28 feet, and Officer number one, two to three feet?

1 [REDACTED]: That's correct, uh-huh.

2 INV. WECHTER: Okay. So, you watched the paramedics.
3 What's the next thing that happened, in terms of your
4 involvement with them?

5 [REDACTED]: I saw my upstairs neighbor exit the
6 building, exit [their] entrance, and begin...she was just standing
7 there, looking at the scene. And so, I went downstairs to talk
8 with her, and then we were approached by one or more officers
9 who wanted to interview us, and then we were approached by
10 several different officers, and interviewed several different
11 times.

12 INV. WECHTER: I'd like to go through those interviews.
13 So, when was, what was the first interview?

14 [REDACTED]: The first interview was an officer who,
15 (coughs) excuse me, who asked if he could record my account of
16 the events, and so we stepped inside the entryway of the
17 building; in the foyer; inside the building. And he turned on
18 his cellphone and he asked me to tell him what I remember seeing
19 about the event.

20 INV. WECHTER: And do you recall how long you spoke to
21 him for?

22 [REDACTED]: Ten minutes, five to ten minutes.

23 INV. WECHTER: Do you remember anything about that
24 officer?

25 [REDACTED]: Young, dark hair, nervous.

26 INV. WECHTER: Okay. [The officer] is a white male?

27 [REDACTED]: Yes.

28 INV. WECHTER: And after that interview,

1 [unintelligible] finished, what was the next contact? What did
2 you do immediately after that?

3 [REDACTED]: What did, I'm sorry, what was that?

4 INV. WECHTER: What did you do immediately after that?

5 [REDACTED] I believe I went back into my unit, and I
6 believe the first officer that interviewed me left, and then
7 brought another detective back, or possibly someone in
8 plainclothes and wearing a suit. And then all of this is kind of
9 fuzzy, just because there were so many police officers in and
10 out of the, our unit. And then, police Chief Suhr was in our
11 unit; he came by immediately after. So, we probably had a dozen
12 different officers, detectives, commanders in our unit, because
13 (clears throat) sorry, because I had, during one of the
14 interviews, I had told one of the detectives or officers that I
15 had a video, a Dropcam video upstairs, and I just realized that
16 and that it might have something on it.

17 So, that information got relayed very quickly to several
18 different individuals, and then they basically propped open the
19 [unintelligible] for our building, and they just kind of piled
20 in and knocked on our door and came in. They were very
21 respectful, but they all wanted to see the video and talk to me.
22 I was interviewed by a couple of different Homicide detectives
23 that came in, and we sat in our living room, and they asked me
24 to tell them what I saw. And I showed the video to Suhr and half
25 a dozen other officers who wanted to see it at that time.

26 INV. WECHTER: Now, how many times were you interviewed
27 before you saw the video?

28 [REDACTED] Well, probably just that once, just the

1 first, initial officer. And I think I may have told him, but I'm
2 not certain, that I had a camera up there and I probably
3 recorded the event.

4 INV. WECHTER: Uh-huh.

5 [REDACTED]: So after that, I went into the house and I
6 found the video, and then within literally ten minutes, I had a
7 lot of officers, and detectives, and Chief Suhr in my house
8 wanting to see the video. And I hadn't even actually reviewed it
9 yet myself, but I kind of knew the timing of it, where it was.
10 So, when Chief Suhr sat down at my desk with me, I kind of went
11 through and sort of found where it started, and then he watched
12 it, and then all the other officers in the room watched it.

13 INV. WECHTER: And had you been interviewed by any of
14 the Homicide investigators before you watched the video with
15 Chief Suhr, do you know?

16 [REDACTED]: No. No, uh-uh.

17 INV. WECHTER: So you said a couple of Homicide
18 investigators interviewed you there in your home. Was that
19 recorded?

20 [REDACTED]: I think it was, yes, but I'm not 100 percent
21 on that. They took lots of notes, and I believe somebody turned
22 on a cellphone and recorded that, but I'm not 100 percent on
23 that.

24 INV. WECHTER: And do you have any idea how long that
25 interview lasted?

26 [REDACTED]: Twenty minutes probably.

27 INV. WECHTER: And what was the next time you were
28 interviewed?

1 [REDACTED]: I think the next time that I was
2 interviewed...well, I think that was it. I'd have to think about
3 it, but I think that was it. They also interviewed my [REDACTED] at
4 the time, but she didn't see anything, she just heard the
5 gunshot, and looked out the window after the fact. But I did,
6 there were other officers who came, like some officer came in
7 and had a thumb drive, and wanted me to download it. Then there
8 have been subsequent officers to come by, and somebody from
9 video, you know, CSI video came by and wanted me to download it,
10 you know, all that.

11 INV. WECHTER: And so, you were interviewed by Homicide
12 detectives. Were you interviewed by anyone from the police
13 department or the District Attorney's Officer after that?

14 [REDACTED]: No one from the District Attorney's Office,
15 no other interviews from the police department after that.

16 INV. WECHTER: So, at any point, were you taken to a
17 police station or to the police headquarters for an interview?

18 [REDACTED]: No.

19 INV. WECHTER: So since then, how much have you looked
20 at the video?

21 [REDACTED]: Well, when I was showing the video to
22 Chief Suhr, you know, it was a horrible experience [to see it
23 again], and then I had to play it for somebody else at some
24 point, and it was terrible. So, I've not, I've intentionally
25 tried to not watch the video. So, I've seen it on the news a
26 couple of times, but I generally don't watch it, and I haven't
27 watched it by myself since, really since that day.

28 INV. WECHTER: So, I wanted to ask you a little bit

1 about your recording equipment. Do you know what it is? Do you
2 know, can you tell me about it?

3 [REDACTED]: Sure. It's a what they call Dropcam, and
4 it's by a company called Nest, and it's a 1080p, you know, high
5 definition video camera that records to the Cloud based storage.

6 INV. WECHTER: Do you happen to know what the frame rate
7 is?

8 [REDACTED]: I think it's 30 fps, but don't hold me to
9 that. It might be 24.

10 INV. WECHTER: And I know you emailed me three separate
11 files.

12 [REDACTED]: I did.

13 INV. WECHTER: Now, do they have a timecode other than
14 just a sequential time?

15 [REDACTED]: You know, I don't know. I don't know if they
16 have [10p] or not, you'd have to have somebody look at the
17 source file and see if they can determine that. But I think they
18 must, just because I think all video does, but it's not a
19 feature of that software. And the reason it's three files is
20 because of the initial, when the [byte] I have hits the event,
21 which you didn't receive, when the CSI officer came by, he asked
22 me to give him from 8:30 to 10:30 and the way the software works
23 with Dropcam, you're only able to do about an hour, before it
24 will convert it to a time-lapse video. So, I had gone from 8:30
25 to 9:30, and then 9:30 to 10:30 and given that to the CSI
26 officer, but when he began to look at it, there was a gap of, I
27 think, of about 15 minutes or something. So, I went back and
28 added the gap section, so that's why there's Part 1, 1.5, and

1 then Part 2.

2 INV. WECHTER: So, the three files you sent me, I think,
3 are only 15 minutes, 15 minutes, and 11 some odd minutes?

4 [REDACTED]: No, no. The three files I sent you should be
5 approximately 8:30 to 9:15, 9:15 to 9:30, these are approximate,
6 and then 9:30 to 10:30 approximately.

7 INV. WECHTER: 8:30 to 9:15. What was the other one?

8 [REDACTED]: 9:15 to 9:30, which is the gap, and then
9 9:30 to 10:30, and those are all approximate, because when he
10 was there, we were having difficulty like starting it
11 [unintelligible] at any point, so we just kind of, they just
12 wanted the two-hour window there.

13 INV. WECHTER: Right.

14 [REDACTED]: They mostly wanted the time that was before,
15 to see if they could determine what Luis was doing. So, they
16 would be to the HOT team, any interaction with the HOT team was
17 out of camera view; too far north.

18 INV. WECHTER: I'm just looking at the first file, the
19 first of three.

20 [REDACTED]: Right.

21 INV. WECHTER: 11 minutes, 21 seconds, and then the
22 second..

23 [REDACTED]: What is that title? Do you know?

24 INV. WECHTER: It's, the first one is 4716, clip
25 1.5 dot mp4.

26 [REDACTED]: Okay. And that should be, that's the in-
27 between, that's the shorty. I'm going to log into Dropbox and
28 see if I can tell what you're looking at as well. My internet's

1 not great here though, for some reason.

2 INV. WECHTER: And the second is 4716, clip 1 dot mp4.

3 [REDACTED] Right.

4 INV. WECHTER: And that's 15 minutes.

5 [REDACTED]: Yeah, that should be much longer than that.

6 INV. WECHTER: No, it's not. I took it to the end and

7 it's only 15, and then number three is 4716, clip 2 dot mp4.

8 [REDACTED] Right.

9 INV. WECHTER: And that is also 15 minutes.

10 [REDACTED] Yeah. That's really strange, because these

11 are the same files that the CSI guy took, and there were two

12 long files and one short file. So, let me just, let me look at

13 these again.

14 INV. WECHTER: And can you also send me a link to the

15 [unintelligible] that shows the actual shooting? Because all I

16 [inaudible].

17 [REDACTED]: Yeah, and that should be Part 2 there. Let

18 me see.

19 INV. WECHTER: But we don't know if that, if the press,

20 you know, if we have probably the original file here.

21 [REDACTED]: Yeah, sure.

22 INV. WECHTER: Maybe we need to have technical work done

23 to it, time code [inaudible].

24 [REDACTED]: Right.

25 (Audio is being affected by buzzing.)

26 INV. WECHTER: I'd like to have it as close to the

27 original as I can [inaudible].

28 [REDACTED]: Sure, sure. Yeah, and these would be, these

1 original three files would be the originals as well. But I'm
2 going to download these right now. These are on my home
3 computer, and see what I've got. I can look at them again, but
4 yeah, they should be basically, two-45 minutes, and one 15-
5 minute. So, I'll have to, (inaudible), but I'll have a look at
6 those and then I can make a note to send you the one that's on,
7 all the tabloids have.

8 INV. WECHTER: Now, had you seen Luis that morning,
9 earlier, before, either from your window or...

10 [REDACTED]: I had not seen him that morning, no.

11 INV. WECHTER: Uh-huh. And how well did you know him?

12 [REDACTED] You know, we had interacted with him pretty
13 regularly over the last five or six months when he started to
14 appear on Shotwell Street. We didn't know him well, but we knew
15 him.

16 INV. WECHTER: I'm sorry, what? Hello? I can't hear you.
17 Are you there? Hello? Hello?

18 (Busy signal.)

19 INV. WECHTER: We've been disconnected.

20 (Intense buzzing is heard.)

21 (Dial tone.)

22 (Number is redialed.)

23 [REDACTED] Hi, sorry about that.

24 INV. WECHTER: That's all right. So, you're saying you'd
25 interact with him regularly, the last five or six months, since
26 he started to appear?

27 [REDACTED] Yeah, pretty regularly. We had given him
28 food and money on occasion, you know, just spare change kind of

1 | thing, which we don't do a whole lot out there, but he seemed to
2 | be somebody who was a little different than the other homeless
3 | that had been out there, you know, that are out there on a
4 | regular basis. I've lived on Shotwell for 13 years, and so, you
5 | know, homeless people [struck] camp there pretty regularly.

6 | But he, I never saw him in a camp, I always saw him out on
7 | the street, and he'd kick the ball around a lot outside. And I
8 | walk my dog pretty early in the morning, about 5:30 usually,
9 | most mornings, and I would see him out there. He never acted
10 | aggressively towards me. In fact, I felt safer out there when
11 | Luis was out there and I was walking my dog that early in the
12 | morning, just because I felt like he was a [unintelligible]; we
13 | had some rapport.

14 | I did hear him shout a lot of times, for no particular
15 | reason, just yelling something in Spanish or Mayan or something.
16 | That had seemed to happen more frequently over the last month or
17 | so, and I work out of the loft there, so I'm there all day
18 | basically, and I see him a lot, and he's always kicking the ball
19 | around, and lately, he had been kicking the ball, more at people
20 | and cars and things, just to try to interact with people. So, a
21 | little more of an aggressive behavior, seemingly a little bit
22 | more upset. He seemed a little dirtier when I would see him. He
23 | obviously, was having some problems, but I never considered him
24 | violent or, I mean, I never worried about Luis. And there are
25 | people that are along on Shotwell and that block that you do
26 | worry about.

27 | INV. WECHTER: You said he had been kicking the ball
28 | more at people and cars, as to try to interact with people. How

1 was he kicking it more and [inaudible]?

2 [REDACTED] Well, he played soccer 12, 14, 16 hours a
3 day out on the street there. He'd kick the ball against the PG&E
4 building or our building, and he was just constantly playing
5 soccer by himself. But I did notice him sort of interacting with
6 the people and moving cars more frequently recently, and kind of
7 unusual behavior, because normally, he just wouldn't do that.
8 He'd just kick the ball and sort of avoid moving cars and
9 people, but I know that the neighbor's children had kicked the
10 ball back to him a few times and they'd play soccer, and that's
11 all fine.

12 But what I'm referring to is kind of a dangerous, sort of,
13 like a car would be driving down the street and he'd
14 intentionally kick it right in front of the car, you know, to
15 avoid the car, but still, kind of like we used to do as kids,
16 when we were playing ball on the street and a car was coming,
17 and we wanted to give them a little scare. So, I noticed that
18 and that was a little concerning, and then the shouting. I've
19 heard him shouting more recently, and that was more [inaudible].

20 INV. WECHTER: And do you know where he stayed, in
21 relation to the area?

22 [REDACTED] I don't. I don't, I never saw him. I mean
23 I've heard people saying he, somebody [was living in his tent].
24 I've never seen him go in or out of a tent, certainly not
25 anything on Shotwell Street. In fact, he may have been around
26 the corner or somewhere else.

27 INV. WECHTER: Had you ever seen him carrying a knife,
28 holding a knife, or wearing a knife through his belt, or

1 [unintelligible], or anything like that?

2 [REDACTED] I don't think I have, no. I mean, I think a
3 lot of homeless do, for different reasons, but I just don't
4 think I've seen Luis carrying a knife.

5 INV. WECHTER: So, you mentioned the woman who was on
6 the sidewalk when they started shooting. Did you see anyone on
7 the other side of the street?

8 [REDACTED] I didn't, no. I mean there's a homeless
9 tent...let me correct that. There's a homeless tent directly
10 across the street from our window, and there was a man and a
11 woman, who had stayed in that tent until recently, and they came
12 out of the tent when the commotion started. I believe they
13 probably witnessed...I think I heard her scream, but I don't
14 remember what they were doing, but they were just north of the
15 incident.

16 INV. WECHTER: Do you know who they are?

17 [REDACTED]: I don't. I don't. Homeless man and woman,
18 but I don't know their names.

19 INV. WECHTER: Do you even know what they look like?

20 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

24 INV. WECHTER: [REDACTED]

[REDACTED]

26 [REDACTED]: [REDACTED]

27 INV. WECHTER: [REDACTED]

28 [REDACTED]: [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED]
2 INV. WECHTER: Now, do you know of anyone else who saw
3 any part of this?
4 [REDACTED]: My neighbor upstairs, directly above us saw
5 it.
6 INV. WECHTER: And I may know her name; she spoke to me.
7 [REDACTED]: [REDACTED]
8 INV. WECHTER: Excuse me?
9 [REDACTED]: Her name is [REDACTED], first name is [REDACTED].
10 INV. WECHTER: Yeah. Do you know where she was when she
11 saw it?
12 [REDACTED]: In her window; right above us.
13 INV. WECHTER: And have you talked with her about the
14 incident?
15 [REDACTED]: Not extensively, but we both went down,
16 [unintelligible] the shooting, and you know, just to
17 generally...we didn't compare notes or anything, but we just in
18 general, "Uh, my God. Can you believe that Luis is shot? Blah,
19 blah, blah," that sort of thing.
20 INV. WECHTER: Anyone else that you're aware of?
21 [REDACTED]: No.
22 INV. WECHTER: And you mentioned that your wife was
23 present, but she only heard. What is her name?
24 [REDACTED]: Her name is [REDACTED], [REDACTED].
25 INV. WECHTER: [REDACTED].
26 [REDACTED]: Uh-huh.
27 INV. WECHTER: And same last name? And let me ask you,
28 do you wear corrective lenses?

1 [REDACTED]: I wear contacts, yes.
2 INV. WECHTER: And were you wearing them on that day?
3 [REDACTED]: Yes.
4 INV. WECHTER: And what are those for?
5 [REDACTED]: Near-sightedness.
6 INV. WECHTER: So, when you're wearing them, do you have
7 any difficulty seeing anything close or at a distance?
8 [REDACTED]: No. No, uh-uh. No, and I wear them all the
9 time. They're constant wear, I never take them out; once-a-
10 month.
11 INV. WECHTER: And on that morning, were you
12 experiencing any health problems?
13 [REDACTED]: No.
14 INV. WECHTER: Were you taking any over-the-counter
15 medications; cold, headache?
16 [REDACTED]: No, no.
17 INV. WECHTER: And you hadn't taken any medications or
18 drugs?
19 [REDACTED]: No.
20 INV. WECHTER: Consumed any alcohol?
21 [REDACTED]: No.
22 INV. WECHTER: Okay. I don't want to take up more of
23 your time. I'm sure I'll have more questions, after [looking at]
24 my notes. When will you be back in San Francisco?
25 [REDACTED]: I'm back, we're back in San Francisco Sunday
26 night.
27 INV. WECHTER: I'm sorry, what?
28 [REDACTED]: Sunday night, this coming Sunday night.

1 INV. WECHTER: Okay. So, I will give you a call next
2 Monday, and see if I can arrange a time to come by, just so I
3 can take some photographs from your window.

4 [REDACTED]: Okay. Sure.

5 INV. WECHTER: Did the police do that as well?

6 [REDACTED] A couple of officers did go upstairs and
7 look out the window, but I didn't seem to recall them coming up
8 and taking pictures or any of that sort of thing. So, I mean,
9 they may have, but as I said, there was a lot of officers in our
10 unit, so it was kind of a confusing time. But I don't recall
11 anybody going up there and taking photos.

12 INV. WECHTER: And do you know if there were any other
13 video cameras in the area?

14 [REDACTED]: I don't think there are. There are two
15 cameras just north, on our side of the building that were there
16 from a previous tenant that, my understanding was, were
17 disconnected when that tenant, commercial tenant moved out of
18 this whole building, and I believe, [it was leased] and
19 followed-up on that as well. But I don't know of any other
20 cameras in the area there. You know, there are or were cameras.
21 So, we're at [REDACTED] and then further north is [REDACTED], which is where
22 the two cameras are that aren't working, and then two doors from
23 that there were cameras at one point, but I don't know if
24 they're still there or not; they would be a long way from the
25 incident.

26 INV. WECHTER: And at any time, while this was going on,
27 did any [REDACTED] vehicle enter or exit either of those garages
28 there?

1 [REDACTED]: I don't believe so, no, and as soon as the
2 incident [inaudible], within a minute or two, the police began
3 cordoning off the block, and stopped all traffic, and prevented
4 anyone from entering the block basically, or leaving.

5 INV. WECHTER: And I know you said that Luis was leaning
6 up against the wall of either at or near that last pilaster,
7 right next to the garage?

8 [REDACTED]: Yes.

9 INV. WECHTER: Is it possible he was further to the
10 north?

11 [REDACTED]: It's possible, but not by much, because I
12 remember him being really, really close to that door. And I
13 think if he was any closer, he'd probably would have been seen
14 on the camera, because the camera seems to cut off, just before,
15 just a few feet before that last pilaster. So, but I'm not
16 100 percent on that.

17 INV. WECHTER: You know actually, I think the camera
18 cuts off north of the telephone pole.

19 [REDACTED]: Right. But from my vantage point.

20 INV. WECHTER: Uh.

21 [REDACTED]: I think it's probably not, there's not a
22 whole lot more distance between that last pilaster and the next
23 one. But I think he was up against the pilaster, but if not, he
24 might have been right next to it, but certainly, no further
25 north than that.

26 INV. WECHTER: Okay. Well, I really appreciate you
27 taking the time to talk to me.

28 [REDACTED]: Sure.

1 INV. WECHTER: Anything I haven't asked you that you
2 remembered, that you think of, you haven't talked about?

3 [REDACTED]: Not really, no. That's to the best of my
4 recollection. That's how everything happened, and it may be
5 incorrect assumptions or whatever, but everything happened so
6 quickly, and it was really traumatic to see something like that.
7 So, that's just to the best of my recollection.

8 INV. WECHTER: I know. And you mentioned that you'd
9 fired a shotgun before. Have you had experience with firearms
10 where you know the sound of a [pit] handgun versus the sound of
11 a shotgun or a long gun?

12 [REDACTED]: Yeah. I've been around people firing
13 shotguns, and I've shot rifles before in my youth and that sort
14 of thing, and shot handguns before in my youth, but I haven't
15 shot a gun in years. There were distinctive sounds, differences
16 between the beanbag shotgun and the handgun sounds for sure.

17 INV. WECHTER: And could you tell which officer seemed
18 to fire more?

19 [REDACTED] Well, Officer number two seemed, definitely
20 seemed to be firing a lot; five to six shots, or something in
21 that range. I don't know if he fired all of the shots. I
22 couldn't really tell if the second officer was able to, [rather,
23 Officer one] was able to shoot. I mean, he pulled his handgun,
24 but my recollection was that Officer number two did the majority
25 of the firing.

26 INV. WECHTER: Okay. Well, again, thank you for taking
27 the time to talk to me.

28 [REDACTED]: Sure, it was my pleasure.

1 INV. WECHTER: [Inaudible.]
2 [REDACTED]: Okay. Sounds good, take care.
3 INV. WECHTER: And this interview is ended at [21--].
4 END OF DOCUMENT
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